

# Lewis County Considers Contract Granting \$149,000 in State Funds to Cover Defense Costs for Blake Resentencings

**Results: More Than 2,000 Charges Since Dismissed**



Lewis County Courthouse

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Lewis County commissioners this week could approve a \$149,031 grant agreement with the Washington State Office of Public Defense to cover public representation costs on a number of eligible resentencing cases pursuant to the Blake decision.

Since earlier this year, the Lewis County Prosecutor's Office has been busy reviewing felony drug possession cases going back to 1971 that fall under purview of the Washington State Supreme Court decision *State v. Blake*, which struck down the state's felony drug possession statute as unconstitutional.

The prosecutor's office has since started reviewing cases involving the charges, starting first with the most recent cases — including in-custody cases, cases with warrants and cases with defendants out on probation — and has made its way back to 2014 thus far, said Eric Eisenberg, of the Lewis County Prosecutor's Office. .

So far, more than 6,768 cases have been reviewed. Of those, charges have been dismissed or vacated in about 2,020 cases and resentenced in about 129.

The county is currently reviewing about 456 currently incarcerated individuals with just over 1,000 cases that may be eligible for resentencing. Though the grant allocates only about \$149,000 to cover public defense, Eisenberg said their office estimates the cost of resentencing could be upwards of \$500,000 due to an average cost of about \$500 per case.

Eisenberg said the prosecutor's office is a little hesitant with the contract, since it may end up agreeing to give counsel to those who don't need it. For example, some could end up later being charged for a different crime, or maybe resentencing for some of those older charges may not make sense depending on how long someone is serving.

Some of the sentences may be vacated altogether. The goal of this process is two-fold, Eisenberg said — first, to expedite public justice brought down by the Blake decision and, secondly, to go about it using public funds efficiently.

The new Office of Public Defense grant will be used from July of this year through July of next year, Eisenberg said.

The most recent funds were allocated proportionally to counties through funding provided to the Office of Public Defense through the state Legislature. Lewis County previously received about \$84,000 back in June to cover any Blake-related costs between February and July of this year. The county also received about \$1.25 million to cover extraordinary judicial costs and about \$500,000 to cover refunds for those who paid legal obligations related to their conviction.